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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,945	03/31/2004	Paul Jolicoeur	BEEC-3753	8340
7590	11/03/2006		EXAMINER	
SCHMEISER, OLSEN & WATTS Suite 201 3 Lear Jet Lane Latham, NY 12110			GILBERT, WILLIAM V	
			ART UNIT	PAPER NUMBER
			3635	

DATE MAILED: 11/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/814,945	JOLICOEUR ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	William V. Gilbert	3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 31 March 2004.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-29 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

*William V. Gilbert*  
EXAMINER  
10/30/06

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 2/28/05
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

**DETAILED ACTION**

This is a first action on the merits. Claims 1-29 are pending and examined as set forth below.

***Specification***

1. The use of the trademark "BB OES Plyform", page 28, line 18 has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 3635

**Claims 1, 2, 4-9, 11, 12, 24-27 and 29** are rejected under 35 U.S.C. 102(b) as being anticipated by Harper, Jr. (U.S. Patent No. 4,244,152).

Regarding Claim 1, Harper discloses an apparatus comprising a plurality of joists (Figure 4, element 256) and a plurality of hubs (50, Figure 1, generally) pivotally connected to the joists.

Regarding Claim 2, the joists are bar joists.

Regarding Claim 4, the joists are shaped steel.

Regarding Claim 5, a suspension connector (300) is connected to the hub.

Regarding Claim 6, the joists and hubs are capable of being articulated.

Regarding Claim 7, the hubs have a plurality of openings (Figure 9, element 450).

Regarding Claim 8, the openings (450) constitute a slot.

Regarding Claim 9, a work platform (10).

Regarding Claim 11, the prior art discloses a plurality of joists (256) and a plurality of hubs (50) and the system is articulating.

Regarding Claim 12, the prior art discloses a plurality of joists (256) a plurality of hubs (50) pivotally connected to at

Art Unit: 3635

least two joists, and a work platform (10) resting on the joists (10).

Regarding Claim 24, the prior art discloses a plurality of joists (256) at least one hub (50) connecting the joists, which may articulate, and a suspension connector (300).

Regarding Claim 25, the prior art discloses a method of providing a plurality of joists (256), and pivotally connecting the hub to the joists.

Regarding Claim 26, the prior art discloses a method by providing a plurality of joists (256), providing at least one hub (50) pivotally attaching the hub to the joists (Figure 4), and suspending the hub from a structure (300, Column 5, lines 55-61).

Regarding Claim 27, the prior art discloses a method by attaching a plurality of joists to a first system (Figures 1 and 2) attaching a plurality of hubs to the joists (Figures 1 and 2) and articulating the joists and hubs.

Regarding Claim 29, the attaching and articulating is in a cantilevered manner.

Claims 13-20, 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Birkemeier et al. (U.S. Patent No. 3,635,509).

Regarding Claim 13, the prior art discloses a device (Figure 4, element 81) with a first surface (Figure 5, element 82) with a first set of openings (87), a second surface parallel to the first surface (83) with openings (93) and a structural element (59) interspersed between the first and second surfaces, and the openings are adapted to provide articulation of the device when connected to the joist.

Regarding Claim 14, the first surface is planar.

Regarding Claim 15, the second surface is planar.

Regarding Claim 16, the structural element is a cylinder (Figures 4 and 5).

Regarding Claim 17, the structural element is a right circular cylinder.

Regarding Claim 18, the longitudinal axis of the right circular cylinder is normal to the first and second surfaces.

Regarding Claim 19, the surfaces are interconnected with at least one joist (23).

Regarding Claim 20, the surfaces include a support opening (95) configured for attachment means (Column 3, lines 38-44).

Regarding Claim 22, the opening is a slot.

**Claim Rejections - 35 USC § 103**

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

**Claim 3** is rejected under 35 U.S.C. 103(a) as being unpatentable over Harper, Jr., in view of Strickland et al. (U.S. Patent No. 5,771,665).

Regarding Claim 3, Harper discloses the claimed invention except that the joists are open-web joists. Strickland discloses a frame system with open-web joists (Figure 3, generally). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to use open web joists with the system in Harper to reduce the overall weight of the structure.

**Claim 10** is rejected under 35 U.S.C. 103(a) as being unpatentable over Harper, Jr., in view of Lewis (U.S. Patent No. 748,962).

Art Unit: 3635

Regarding Claim 10, Harper discloses the claimed invention except that the connector is a chain. Lewis discloses a system where the suspension connector is a chain (4). It would have been obvious at the time the invention was made to a person having ordinary skill in the art because a lifting mechanism is required in Harper for the lifting eye (300) and the chain would provide adequate lifting.

**Claim 21** is rejected under 35 U.S.C. 103(a) as being unpatentable over Birkemeier et al. in view of Lewis.

Regarding Claim 21, Birkemeier discloses the claimed invention except for the attachment means as a chain. Lewis discloses an attachment means as a chain (4). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to use the chain as attachment means because Birkemeier discloses that the opening (95) is to be used for attaching a hoisting mechanism (Column 3, lines 38-44), and a chain is adequate for hoisting the prior art of Birkemeier.

**Claims 23, 28** is rejected under 35 U.S.C. 103(a) as being unpatentable over Harper, Jr.

Regarding Claim 23, Harper discloses a platform system comprising at least one hub (50) and at least one joist connected to the hub (256) and a section formed from the hub and joist (Figure 1). Harper does not disclose the system's limitations regarding load application. It would have been obvious at the time the invention was made to a person having ordinary skill in the art as a matter of design choice to have the system designed to hold this weight so it would not collapse.

Regarding Claim 28, Harper discloses the claimed invention except that the attaching and articulating does not require hoisting equipment. It would have been obvious at the time the invention was made to a person having ordinary skill in the art as a matter of design choice to not require hoisting equipment for the system in Harper, because the system in Harper is capable of being erected without the use of hoisting equipment.

#### **Conclusion**

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Takahashi (U.S. Patent No. 3,420,011).

Art Unit: 3635

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William V. Gilbert whose telephone number is 571.272.9055. The examiner can normally be reached on Monday - Friday, 08:00 to 17:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Naoko Slack can be reached on 571.272.6848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

WVG  
30 Oct 2001

*Bill Gilbert*  
BIL GILBERT  
PRIMARY EXAMINER  
10/30/06